

REMARKS

Applicants' undersigned attorney thanks the Examiner for the Examiner's comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-35 are pending, with Claims 1-23 and 35 withdrawn from consideration.

Amendments to the Claims

Claims 24-34 have been examined with no claims being allowed.

Claim 24 has been amended to clarify the location of the sealing structure as extending between two adjacent separators, and further reciting the arrangement of the insulating layer between the sealing layer and the separator onto which the insulating layer is applied. Support for these limitations is provided, for example, at page 10, last paragraph, and in Fig. 1.

No new matter has been added by this Amendment. No additional fee is required because the number of independent claims remains unchanged and the total number of claims also remains unchanged.

Claim Rejection - 35 U.S.C. §102

The rejection of Claims 24-29 and 31-34 under 35 U.S.C. §102(b) as being anticipated by Sato et al. (U.S. Patent No. 4,937,152) is respectfully traversed.

For a reference to anticipate a claim, the reference must disclose each and every element or limitation of the claim. Sato et al. fail to disclose each and every element or limitation of amended Claim 24.

Applicants' amended Claim 24 recites a method for producing an at least dual-layered sealing structure for sealing between two adjacent separators of a solid oxide fuel cell, wherein the sealing structure extends between the two adjacent separators. Sato et al. fail to disclose a sealing structure having at least two layers, namely an insulating layer and a sealing layer, particularly wherein the multi-layer sealing structure extends between two adjacent separators.

Contrary to the interpretation of Sato et al. set forth in the Office Action, the electrolyte (5) in combination with spacer (10) is not equivalent to Applicants' claimed "at least dual-layered sealing structure."

Applicants' amended Claim 24 specifically recites the multi-layer sealing structure extending between the two adjacent separators. In contrast, the spacer (10) itself in Sato et al. extends between two adjacent separators (3), but the electrolyte (5) is not even in direct contact with the spacer (10); thus, the electrolyte (5) in combination with the spacer (10) does not extend between two adjacent separators in Sato et al.

Applicants' amended Claim 24 further recites the steps of applying an insulating layer onto a sealing area of at least one separator, and applying a sealing layer to the solid oxide fuel cell, such that the insulating layer is arranged between the sealing layer and the separator onto which the insulating layer is applied. Sato et al. fail to disclose a solid oxide fuel cell having a multi-layered sealing structure in which an insulating layer is arranged between a sealing layer and a separator onto which the insulating layer is applied. As noted above, the electrolyte (5) is not even in direct contact with the spacer (10) in Sato et al. Thus, the electrolyte (5) in combination with the spacer (10) fails to achieve the "sealing layer – insulating layer – separator" arrangement recited in Applicants' Claim 24.

Claims 25-29 and 31-34 depend either directly or indirectly from Claim 24 and, therefore, are patentable for at least the same reasons as Claim 24.

For at least the reasons given above, Applicants respectfully submit that the teachings of Sato et al. fail to disclose Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejection - 35 U.S.C. §103

The rejection of Claim 30 under 35 U.S.C. §103(a) as being unpatentable over Sato et al., as applied to Claim 24, in view of Giller et al. (U.S. Patent No. 5,603,875) is respectfully traversed.

As explained above, Sato et al. fail to disclose the method for producing a multi-layered sealing structure as recited in Applicants' Claim 24. Furthermore, there

is no suggestion or motivation to modify the fuel cell in Sato et al. to achieve Applicants' claimed method of producing a multi-layered sealing structure. As explained above, the arrangement of the electrolyte (5) and the spacer (10) is non-analogous to the arrangement of the multi-layered sealing structure in Applicants' claimed invention. Furthermore, to rearrange the electrolyte (5) and the spacer (10) in the Sato et al. reference to conform to Applicants' claimed sealing structure would change the principle of operation of the layers within the Sato et al. reference. More particularly, the spacers (10) are arranged along peripheral portions of the separators, whereas the electrolyte (5) is formed in a central portion of the separators upon an air electrode (4). Rearrangement of the spacers (10) and electrolyte (5), without further design modifications not contemplated in Sato et al., would render the fuel cell unsatisfactory for its intended purpose.

Giller et al. fail to overcome the deficiencies of Sato et al. Thus, Applicants respectfully submit that the teachings of Sato et al. in view of Giller et al. fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,



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